

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TOAN TANG,

Plaintiff,

vs.

CHRIS TORRANT,

Defendants.

NO. CV-09-023-EFS

**ORDER DISMISSING ACTION WITHOUT
PREJUDICE**

Plaintiff, a prisoner at MCI Concord in Concord, Massachusetts, brings this *pro se* civil rights complaint pursuant to 42 U.S.C. §§ 1983 and 1985. Plaintiff seeks leave to proceed *in forma pauperis*.

After review of the file and being fully informed, the Court finds it is not the appropriate venue to consider Mr. Tang's claims regarding alleged due process violations in his pending criminal matter in the State of Massachusetts.

The Court further finds a transfer of this action is not in the interests of justice 28 U.S.C. § 1631 due to Mr. Tang's prolific filings since August 2007 - three or more of which have been dismissed for failure to state a claim upon which relief may be granted. *See Tang v. Fabbri, et al*, C.A. No. 08-11827-NG (D. Mass.) (listing dismissed

1 actions in Memorandum and Order filed November 25, 2008).¹

2 Therefore, **IT IS ORDERED** this action is **DISMISSED without prejudice**
3 to Mr. Tang filing it in the appropriate venue once he has paid the
4 filing fee. **IT IS FURTHER ORDERED** all pending motions are denied as
5 moot and this file is closed.

6 **IT IS SO ORDERED.** The District Court Executive is directed to
7 enter this Order, enter judgment, and forward a copy to Plaintiff.

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9 **DATED** this 23rd day of March 2009.

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11 s/Edward F. Shea
12 EDWARD F. SHEA
13 UNITED STATES DISTRICT JUDGE

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25 'Judicial notice may be taken of court records. *Valerio v. Boise*
26 *Cascade Corp.*, 80 F.R.D. 626, 635 n.1 (N.D. Cal. 1978), *aff'd* 645 F.2d
27 699 (9th Cir. 1981).

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